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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 VIKRAM VALAME,

15 Plaintiff,

16 v.

17 JOSEPH R. BIDEN, President of the United
18 States, *et. al.*,

19 Defendants.
20
21
22

CASE NO. 5:23-cv-3018 NC

**STIPULATED REQUEST AND
[PROPOSED] ORDER STAYING
DEADLINE TO ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT ON BEHALF OF
INDIVIDUAL CAPACITY
DEFENDANTS**

23 Pursuant to Local Rules 6-2 and 7-12, Plaintiff and Defendants in the above-captioned
24 case jointly request that the Court enter an order staying the obligation to answer or otherwise
25 respond to the complaint of the Defendants sued in their individual capacity until after the Court
26 issues an order resolving the pending cross-motions. *See* ECF Nos. 30, 38. The parties stipulate
27 and agree as follows:
28

Valame v. Biden, No. 5:23-cv-3018 NC
Stipulated Request and [Proposed] Order Staying Deadline to Answer or
Otherwise Respond to Complaint on Behalf of Individual Capacity Defendants
1

- 1 1. Plaintiff filed the operative complaint in this case on June 20, 2023. The complaint
2 challenges the legality of the “male-only” draft registration requirement of the
3 Military Selective Service Act, asserting claims under the Fifth Amendment and
4 the Equal Rights Amendment (“ERA”). The parties are currently briefing
5 substantive cross-motions as to the United States, the Selective Service System,
6 and the various individuals who have been sued in their official capacity in this
7 case.
- 8 2. Plaintiff also sued two Selective Service officials, Steven L. Kett and John
9 Arbogast, in their personal capacities. Plaintiff has represented that on September
10 29, 2023, his agent effectuated service of process on Mr. Kett at his home. ECF
11 No. 34. Mr. Arbogast has yet to be served in his personal capacity.
- 12 3. Plaintiff has indicated that the viability of the individual capacity claims in this
13 case depends upon the Court’s resolution of the issues raised in the pending cross-
14 motions. Accordingly, it is appropriate to stay the obligation for the individual
15 capacity Defendants to answer or otherwise respond to these claims until after the
16 Court resolves these motions.
- 17 4. Accordingly, the parties propose staying the obligation of Mr. Kett and Mr.
18 Arbogast to answer or otherwise respond to the complaint in their individual
19 capacity, and that Defendants’ answer as to the individual capacity claims be due
20 no later than sixty days after the Court issues an order resolving the pending cross-
21 motions. (As to Mr. Arbogast, this deadline is conditional on Plaintiff properly
22 serving Mr. Arbogast in his individual capacity in a timely manner.)
- 23 5. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has submitted
24 a declaration in support of this stipulation.

25 A proposed order is attached.

26 ***

1 DATE: October 16, 2023

2 /s/Vikram Valame

3 Vikram Valame

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Respectfully submitted,

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8 /s/Michael J. Gerardi

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17 *Counsel for Defendants*

DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/Michael J. Gerardi

Michael J. Gerardi

Senior Trial Counsel